

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Abel Martinez-Chavez

YOB: 1970

Principal

the United Mexican States

United States District Court
Southern District of Texas
FILED

Case Number:

M-16-1315-M

JUL 13 2016

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 11, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Miguel Angel Gregorio-Reyes, citizen and national of Guatemala, and Veronica Del Carmen Zaldana-Carbajal, citizen and national of El Salvador along with forty-three (43) other undocumented aliens, for a total of forty-five (45), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 6, 2016, the RGV FIT West Agents received information from Kingsville Border Patrol Collateral Intel Agents of a house that was currently being used to harbor undocumented immigrants located at 8018 Cabana Street in Edinburg, Texas.

On July 11, 2016 RGV FIT Agents, conducted surveillance at the residence. Agents observed a male driver who was later identified as Abel MARTINEZ-Chavez leave the residence located at 8018 Cabana Street in Edinburg, Texas driving a purple in color Dodge Durango and headed to a Dollar General located nearby. Agents observed MARTINEZ-Chavez go into the Dollar General and purchase several individual gallons of water and nothing else. A short time later Agent's observed MARTINEZ-Chavez drive back to the residence and park.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by David A. Lindenmuth
7/13/16

[Signature]

Signature of Complainant

Nicolas Cantu

Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

July 13, 2016

Date

at McAllen, Texas

City and State

Dorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1315-M

RE: Abel Martinez-Chavez

CONTINUATION:

Moments later agents noticed a grey in color Ford F-150 arrive at the target location. Soon after a tan in color Chevy Equinox also arrived. Agents then observed the vehicles driving in tandem east bound on Ingle Street. RGV FIT Agents attempted to coordinate a traffic stop on the vehicles with the assistance of HCCO Pct. 4 but were unsuccessful. Agents maintained ^{constant} visual of both vehicles the whole time. RGV FIT Agents were able to get ahead of the vehicles and observed the vehicles turn east on FM 490. WCSO Deputies were traveling west on FM 490 and were able to locate the vehicles. WCSO Deputies then made a U-turn to get behind the vehicles and noticed that both vehicles failed to signal/ left turn and abruptly turned north on county road 140. WCSO Deputies attempted to conduct a traffic stop on the the Ford F-150. As the Sheriff's Deputy activated the vehicles emergency equipment the F-150 failed to yield and a short pursuit ensued leading to a bail out north of FM 186 on county road 30. WCSO deputies ^{were} able to see all six subjects including the driver run north into a refuge. After a brief search of the area, no arrests were made from the F-150. RGV FIT Agents were able to locate the Equinox with its doors open near a canal. A total of seven subjects were found nearby. All seven subjects were found to be illegally in the United States. They were read their Miranda Rights and placed under arrest.

Back at the residence, Agents observed MARTINEZ-Chavez and an unknown male leave and followed them to a local restaurant. Agents observed MARTINEZ-Chavez and a passenger later identified as Miguel Angel GREGORIO-Reyes get off the vehicle and buy some food. The two subjects then went back to the vehicle and began eating the food that they had just purchased. Agents along with HCCO Pct. 4 approached the subjects who were eating inside the purple Durango. Agents identified themselves as Border Patrol Agents and questioned both subjects as to their immigration status. Both subjects claimed to be in the United States illegally.

Abel MARTINEZ-Chavez was read his Miranda Rights and stated that he understood his rights and waived his right to have an attorney present during questioning at that time.

Abel MARTINEZ-Chavez admitted to being the caretaker of the house and that he knew that there was about 30 undocumented aliens at the residence. MARTINEZ-Chavez stated that he was the one who rents the home located at 8018 Cabana St. in Edinburg, Texas. He also gave verbal and written consent to search the residence.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1315-M

RE: Abel Martinez-Chavez

CONTINUATION:

At 4:30 p.m., RGV FIT agents, JTT and HCCO Pct. 4 conducted a consensual search of the residence location and discovered 35 Undocumented Aliens. All subjects were questioned and admitted that they were in the United States illegally.

All subjects were transported to the Weslaco Border Patrol Station for interview and case preparation.

PRINCIPAL STATEMENT

Abel MARTINEZ-Chavez a citizen and national of the United Mexican States was read his Miranda Rights. MARTINEZ-Chavez acknowledged he understood his rights and was willing to provide a sworn statement without the presence of an attorney.

Martinez-Chavez stated he crossed illegally into the United States on April 15, 2011, near Hidalgo, Texas. Subject was encountered on July 11, 2016, by Border Patrol Agents at 3201 East FM 2812 Edinburg, Texas. Martinez-Chavez immediately admitted he had several undocumented aliens at his residence. Subject stated he had been harboring undocumented aliens for the past six months and that during those months he had harbored between eight and nine hundred aliens. MARTINEZ-Chavez stated that he would get paid \$50 a person by a man to harbor the undocumented aliens at his house. Subject also admitted to buying food for the undocumented aliens and given them orders around the house.

MATERIAL WITNESS STATEMENTS

Miguel Angel GREGORIO-Reyes a citizen and national of Guatemala was read his Miranda Rights. GREGORIO-Reyes acknowledged he understood his rights and was willing to provide a sworn statement without the presence of an attorney.

Gregorio-Reyes admitted to being in the United States illegally. He stated that he crossed on the 4th of July 2016, near Hidalgo, Texas. Subject stated he walked to a mobile home near the river. He stated that a lady drove him from the temporary stash house to a Walmart in a Red F-150. At the Walmart he was told to get into grey/silver colored Volvo. Subject stated there was about 45 subjects in the stash house once he arrived. Gregorio-Reyes claims that they would move undocumented aliens four times a week. Subject stated that MARTINEZ-Chavez asked him to go with him to the Dollar Store and get food afterwards. Gregorio-Reyes was shown a Department of Homeland Security Photo Line-up and positively identified Abel MARTINEZ-Chavez as the caretaker of the stash house and the man that was driving the Volvo that picked him up at the Walmart.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1315-M

RE: Abel Martinez-Chavez

CONTINUATION:

Veronica Del Carmen Zaldana-Carbajal a citizen and national of El Salvador was read her Miranda Rights. Zaldana-Carbajal acknowledged she understood her rights and was willing to provide a sworn statement without the presence of an attorney.

Zaldana-Carbajal admitted to entering the United States illegally on or around July 4, 2016. Zaldana-Carbajal was taken to a stash house along with seven other subjects, where she stayed for a few hours before being taken to an unknown parking lot and being transferred to a black or blue truck. Zaldana-Carbajal was then driven to the second stash house (8018 Cabana Street Edinburg, Texas) by Abel Martinez-Chavez.

At the second stash house Zaldana-Carbajal stated that the caretaker of the house was, Abel Martinez-Chavez. Zaldana-Carbajal stayed a total of 8 days before being arrested. Zaldana-Carbajal stated that when she arrived at the stash house there was a total of 55 immigrants and then immediately after that, 39 immigrants were taken out of the stash house. Zaldana-Carbajal stated that Martinez-Chavez took everyone's cellular phone as they arrived to the stash house and also told everyone to be quiet, where to sleep, and when to go to sleep. Zaldana-Carbajal stated that Martinez-Chavez also would bring limited amount of food for the people in the stash house to eat. Subjects claims that Martinez-Chavez would also sell the immigrants extra food if the immigrants desired. Zaldana-Carbajal claims that Martinez-Chavez also made unwanted sexual advances towards her on July 8, 2016. Zaldana-Carbajal was shown a Department of Homeland Security Photo Line-up and positively identified Abel MARTINEZ-Chavez as the caretaker of the stash house.